



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

SRINIVAS GUTTA ET AL.

PHUS 010108

Serial No.: 09/821,028

Group Art Unit: 2617

Filed: March 30, 2001

Examiner: J.W. Fish

Title: ENTERTAINMENT RECEIVER ACTIVATED IN RESPONSE TO RECEIVED  
PROGRAM CONTENT AND METHOD OF OPERATING SAME


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is an original copy of an Appeal Brief in the  
above-identified patent application.

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Respectfully submitted,

By   
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ENTERTAINMENT RECEIVER ACTIVATED IN RESPONSE TO RECEIVED PROGRAM  
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Sir:

APPEAL BRIEF

This is an appeal from the Examiner of Group 2617 finally  
rejecting claims 1-8, 10-17 and 20-22 in this application.

(i) Real Party in Interest

The real party in interest in this application is KONINKLIJKE  
PHILIPS ELECTRONICS N.V. by virtue of an assignment from the  
inventors recorded on March 30, 2001, at Reel 11860, Frames 0239-  
0240.

(ii) Related Appeals and Interferences

There are no other appeals and/or interferences related to  
this application.

(iii) Status of the Claims

Claims 1-8, 10-17 and 20-22 stand finally rejected by the Examiner. Claims 9, 18 and 19 have been cancelled.

(iv) Status of Amendments

There was one Response filed on August 9, 2005, after final rejection of the claims on July 13, 2005, this Response having been considered by the Examiner.

(v) Summary Of Claimed Subject Matter

The subject invention relates to an entertainment receiver in the nature of a portable, automotive or home radio receiver or television receiver. The entertainment receiver includes a tuner for tuning to the carrier frequency of a program source for receiving program information modulated on the carrier frequency. This program information may then be processed and applied to one or more loudspeakers. The tuning of the tuner to the various carrier frequencies is accomplished by entering the desired carrier frequency into the tuner.

Depending on the geographical area in which the entertainment receiver is located, there may be numerous program sources carried on different carrier frequencies. In order to aid the user in selecting these different carrier frequencies, many entertainment receivers include circuitry for automatically scanning a frequency

band containing the different carrier frequencies for available stations, i.e., carrier frequencies having received signal strengths above a predetermined threshold, and for storing these carrier frequencies for access by the user by activating one or more of a plurality of buttons.

While pressing one or more buttons corresponding to the stored carrier frequencies is certainly easier than trying to remember each of the carrier frequencies of stations carrying desired programming, the user still must resort to his/her memory to know the type of programming being carried on each of the carrier frequencies.

A more sophisticated system, referred to as the radio data system (RDS), has been developed for frequency modulated (FM) transmitters and receivers. In the RDS system, digital data indicative of the program content type are transmitted on a subcarrier of a program source. An FM receiver having RDS capabilities responds to the subcarrier and displays a visual indication of the program content type. Such an FM receiver may also allow the user to store the program content types he/she desires to hear, and is able to scan the frequency band for stations having the RDS digital indicative of the desired program content type.

Appellants have found, however, that the RDS system requires special transmitters and receivers, and is incompatible with amplitude modulated (AM) program sources.

The subject invention relates to audio broadcast signal reception and the selection of programming corresponding to a user's preferences. However, instead of receiving and decoding an auxiliary signal as in, for example, the RDS system, the entertainment receiver of the subject invention includes "program content type classification means coupled to said tuning arrangement for receiving said program content and for generating, from said program content, a program content type signal characterizing the program content, the controller receiving and comparing said program content type signal to said stored at least one preference, and enabling the tuner arrangement to be tuned to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user." As such, the subject invention generates the program content type information from the program content itself, and not from a separate data transmission.

In particular, the entertainment receiver, as claimed in independent claim 1, comprises "a tuner arrangement, for tuning to selected program sources, each of said program sources having a carrier frequency for carrying a program content". This is shown in Fig. 1 and described in the specification on page 4, line 28 to

page 5, line 7, in which tuners 14 and 16 are controlled to particular center frequencies in order to pass on the broadcast contents carried on the selected carrier frequency.

The entertainment receiver further comprises "a controller for controlling the tuner arrangement, the controller including a signal storing arrangement for storing at least one preference for program content type of a user of the receiver". This is shown in Fig. 1 and described in the specification on page 5, lines 3-7, in which microprocessor 22 controls the tuners 14 and 16, and, on page 7, lines 16-23, memory system 46 stores "program content for stations available" and "preferred program content type for each of the identified users".

In addition, the entertainment receiver further comprises "program content type classification means coupled to said tuning arrangement for receiving said program content and for generating, from said program content, a program content type signal characterizing the program content, the controller receiving and comparing said program content type signal to said stored at least one preference, and enabling the tuner arrangement to be tuned to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user". This is shown in Fig. 1, and described in the specification on page 5, line 28 to page 6, line 17, in which program type classifier 40 derives a digital output signal indicative of the

program content of the program signal passed by the tuner. As opposed to reading a data signal as in the RDS system, the program type classifier recognizes "program content by using feature or template based approaches. For example, music and music type can be recognized by responding to the fact that songs with lyrics usually start with only instrumental content and after a few seconds, the lyrics are blended with the instrumental content."

The subject invention also relates to a method of tuning an entertainment receiver, as claimed in independent claim 12, which comprises "storing at least one signal indicative of preferred program content type for a user of the receiver". This is described in the specification on page 10, lines 1-26. The method further comprises "determining, in response to received program content of a plurality of program sources received by the entertainment receiver, program content types of said plurality of program sources". This is shown in Fig. 2 as steps 117 and 119, and described in the specification on page 12, lines 5-27. Next, the method comprises "comparing the determined program content types of the plurality of program sources received by the receiver with the stored at least one signal indicative of preferred program content type for a user of the receiver". This is shown in Fig. 2 as steps 121 and 123, and described in the specification on page 12, line 28 to page 13, line 5. Finally, the method comprises "activating the receiver so a received program source having a determined program

content type corresponding to the preferred program content type is presented to the user". This is shown in Fig. 2 as step 125 and 127, and described in the specification on page 13, lines 5-30.

(vi) Grounds of Rejection to be Reviewed on Appeal

- (A) Whether the invention, as claimed in claims 1-8, 11-17, 21 and 22, is anticipated, under 35 U.S.C. 102(e), by U.S. Patent 6,748,237 to Bates et al.
- (B) Whether the invention, as claimed in claims 10 and 20, is unpatentable, under 35 U.S.C. 103(a), over Bates et al. in view of U.S. Patent 6,813,775 to Finseth.

(vii) Arguments

(A) The Bates et al. patent discloses automated selection of audio broadcast signal source based on user preference criterion, in which "program information, e.g., in the form of program information packets, is embedded within the digital data stream" (col. 2, lines 64-67), is used to identify the parameters of the program content being received. This information is separately received and compared with the user's preferences, for selecting the desired program content.

It is well founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art



reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Appellants submit that the program content type classification means is neither shown nor suggested in *Bates et al.*

In response to the above, the Examiner states "Bates does teach the program content type classification means. Bates teaches where program content (e.g. a song) comprises both audio and information packets. When the user is receiving program content, i.e. tuned to a station broadcasting a particular song, information packets and audio packets are separated. The information packets are detected and handled to identify (characterize) the program content (See col. 5 lines 48-51, Col. 7 lines 61-67, Col. 8, lines 1-29)."

Appellants submit that the Examiner is mistaken. In particular, the "information packets" sent and received in *Bates et al.* are not part of the program content but are in addition to the program content. Rather, the information packets are a part of the broadcast (or program) signal that includes the program content. This distinction is made evident in *Bates et al.* at col. 2, line 64 to col. 3, line 7, which states:

"It is assumed for the purposes of the illustrated embodiments that program information, e.g., in the form of program information packets, is embedded within the digital data stream. However, it will be appreciated by one of ordinary skill in the art having the benefit of the instant disclosure that certain aspects of the invention will have applicability in other applications where audio signals may be broadcasted, e.g., analog

radio broadcasts, etc. Moreover, other manners of embedding program information within an audio broadcast signal may also be used in the alternative."

It should be apparent from the above that the program information packets are not a part of the audio programming (program content) which is desired to be rendered by the user. While the program information packets are embedded in and as such are part of the audio broadcast signal, the program information packets are in addition to the audio programming (program content) carried by the audio broadcast signal.

Appellants would like to point out that in *Phillips v. AWH Corp.*, 75 USPQ2d 1321, at 1326 (Fed. Cir. 2005), the court states "Importantly, the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification." The court further adds, in citing *Medrad, Inc. v. MRI Devices Corp.*, 74 USPQ2d 1184 (Fed. Cir 2005), "We cannot look at the ordinary meaning of the term...in a vacuum. Rather, we must look at the ordinary meaning in the context of the written description and the prosecution history."

Claim 1 includes "program content type classification means coupled to said tuning arrangement for receiving said program content and for generating, from said program content, a program content type signal characterizing the program content" (emphasis

added). To that end, as described in the specification on page 5, line 21 to page 6, line 17:

"Program type classifier 40 derives a digital output signal indicative of the program content of the program signal passed through tuner 16...Classifier 40 can recognize program content by using feature or template based approaches. For example, music and music type can be recognized by responding to the fact that songs with lyrics usually start with only instrumental content and after a few seconds, the lyrics are blended with the instrumental content. Classifier 40 derives a template for the first few seconds. Alternatively, classifier 40 performs a speech to text conversion. If classifier 40 performs such a conversion, the conversion is performed on a program or subprogram level. A program usually contains several segments; e.g., a news program usually contains weather, financial, traffic, local, national and international segments. Classifier 40 responds to such segments at the subprogram level to derive output signals associated with the content of each segment."

From the above, it should be clear that program content refers to the portion of the broadcast signal to be rendered for the listening pleasure of the user.

Appellants submit that Bates et al. does not generate a program content type signal from the program content, but rather, merely extracts and displays the program content type signal from that contained in the program information accompanying the program content.


(B) The above arguments with respect to Bates et al. are incorporated herein.

The Finseth et al. patent discloses a method and apparatus for sharing viewing preferences, in which preferences of multiple users are stored and accessed when desired. These preferences are compared with data received from, for example, an electronic programming guide.

However, Appellants submit that Finseth et al. does not supply that which is missing from Bates et al., i.e., "program content type classification means coupled to said tuning arrangement for receiving said program content and for generating, from said program content, a program content type signal characterizing the program content, the controller receiving and comparing said program content type signal to said stored at least one preference, and enabling the tuner arrangement to be tuned to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user", in which the program content type classification means generates the program content type information from the program content itself, and not from a separate data transmission embedded in the broadcast signal.

Based on the above arguments, Appellants believe that the subject invention is neither anticipated nor rendered obvious by the prior art and is patentable thereover. Therefore, Appellants respectfully request that this Board reverse the decisions of the Examiner and allow this application to pass on to issue.

Respectfully submitted,

by   
Edward W. Goodman, Reg. 28,613  
Attorney

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ALEXANDRIA, VA 22313-1450

On December 06, 2005

By Barnett James

CLAIMS ON APPEAL

1. (Previously Presented) An entertainment receiver comprising:  
a tuner arrangement, for tuning to selected program  
sources, each of said program sources having a carrier frequency  
for carrying a program content;

5 a controller for controlling the tuner arrangement, the  
controller including a signal storing arrangement for storing at  
least one preference for program content type of a user of the  
receiver; and

program content type classification means coupled to said  
10 tuning arrangement for receiving said program content and for  
generating, from said program content, a program content type  
signal characterizing the program content, the controller receiving  
and comparing said program content type signal to said stored at  
least one preference, and enabling the tuner arrangement to be  
15 tuned to a carrier frequency of a program source having a program  
content type corresponding with the preference for the program type  
of the user.

2. (Previously Presented) The entertainment receiver as claimed  
in claim 1, wherein the tuner arrangement includes plural tuners,

the controller activating a first of the plural tuners through a gamut of frequencies, said program content type classification  
5 means being connected to said first tuner, the controller being arranged to be responsive to the program content type signals from the program content type classification means, and the stored program content type preference for deriving a tuning signal for a second of said plural tuners.

3. (Previously Presented) The entertainment receiver as claimed in claim 2, wherein said entertainment receiver further comprises a signal-level detector responsive to an amplitude of a signal passing through second tuner dropping below a threshold for  
5 activating the controller to derive an output for enabling the second tuner to be tuned to the carrier frequency of another program source having a program content type corresponding with the preference for the program type of the user and having an amplitude above the threshold.

4. (Previously Presented) The entertainment receiver as claimed in claim 3, wherein the controller is arranged for causing the output to activate the tuner to said carrier frequency.

5. (Previously Presented) The entertainment receiver as claimed in claim 1, wherein the controller causes the signal to activate the tuner arrangement to be tuned to said carrier frequency.

6. (Previously Presented) The entertainment receiver as claimed in claim 1, wherein said entertainment receiver further comprises a signal level detector responsive to an amplitude of the signal having the carrier frequency of the program source having a program content type corresponding with the preference for the program type of the user, dropping below a threshold for activating the controller to cause the tuner arrangement to tune to another broadcast signal having a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user and having an amplitude above the threshold.

7. (Previously Presented) The entertainment receiver as claimed in claim 1, wherein the signal storing arrangement stores at least one preference for program content type in response to input signals associated with inputs of the user derived from sources other than received program content.

8. (Previously Presented) The entertainment receiver as claimed in claim 1, wherein the signal storing arrangement stores at least



one preference for program content type in response to received program content.

9. (Cancelled).

10. (Previously Presented) The entertainment receiver as claimed in claim 1, wherein the signal storing arrangement stores at least one preference for each of plural predetermined users, and the entertainment receiver further comprises an input device for  
5 enabling identification of which of the predetermined users is using the receiver, the controller being responsive to the input device for tuning the receiver to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the identified user.

11. (Previously Presented) The entertainment receiver as claimed in claim 1, wherein said entertainment receiver further comprises a display for displaying an indication of at least one of said carrier frequency and the program content type of said program  
5 source.

12. (Previously Presented) A method of tuning an entertainment receiver comprising the steps of:

storing at least one signal indicative of preferred program content type for a user of the receiver;

5 determining, in response to received program content of a plurality of program sources received by the entertainment receiver, program content types of said plurality of program sources;

10 comparing the determined program content types of the plurality of program sources received by the receiver with the stored at least one signal indicative of preferred program content type for a user of the receiver; and

activating the receiver so a received program source having a determined program content type corresponding to the preferred program content type is presented to the user.

13. (Previously Presented) The method as claimed in claim 12, where in said method further comprises the steps:

activating a first tuner of the receiver through a gamut of frequencies,

5 wherein said determining step determines the program content types of program content of a plurality of program sources carried on a respective plurality of carrier frequencies in the gamut of frequencies, the comparing step compares the determined program content types with the stored preferred program content type, and  
10 the activating step tunes a second tuner to the carrier frequency

of a received program source with the determined program content type corresponding to the preferred program content type.

14. (Previously Presented) The method as claimed in claim 13, wherein said method further comprises the step of:

changing the carrier frequency tuned the second tuner to a carrier frequency of another received program source with the  
5 determined program content type corresponding to the preferred program content type in response to an amplitude of a signal level passed by the second tuner dropping below a threshold level.

15. (Previously Presented) The method as claimed in claim 12, wherein said method further comprises the step of:

changing the program source tuned to by the receiver to another received program source with the determined content type  
5 corresponding to the preferred program content type in response to an amplitude of the received program source dropping below a threshold level.

16. (Previously Presented) The method as claimed in claim 15, wherein the changing step is effected by performing the determining, comparing and activating steps.

17. (Previously Presented) The method as claimed in claim 12,  
wherein said method further comprises the step of:

storing the determined program content type signals by  
supplying, to a storage arrangement, carrier frequencies of program  
5 sources having determined program content types corresponding with  
the preferred program content type of the user.

18. (Cancelled).

19. (Cancelled).

20. (Previously Presented) The method as claimed in claim 12,  
wherein said method further comprises the steps of:

storing at least one preference for each of plural  
predetermined users;

5 identifying which of the predetermined users is using the  
receiver, and

performing said comparing an activating steps in regard to  
the preferred program content type of the identified user.

21. (Previously Presented) The entertainment receiver as claimed  
in claim 1, wherein the program content type classification means  
analyzes the program content of the received program source by  
comparing said program content to a plurality of templates.

22. (Previously Presented) The entertainment receiver as claimed in claim 1, wherein the program content type classification means analyzes the program content of the received program source to determine if the program content is one of a plurality of music  
5 types and to determine which is the applicable music type.

(ix) Evidence Appendix

There is no evidence which had been submitted under 37 C.F.R. 1.130, 1.131 or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this Appeal.

(x) Related Proceedings Appendix

Since there were no proceedings identified in section (ii) herein, there are no decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c) (1) (ii) of 37 C.F.R. 41.37.